

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	05-10925-RGS
1979 ROLLS ROYCE SILVER)	
WRAITH II, VEHICLE)	
IDENTIFICATION NUMBER LRK 36784)	
WASHINGTON REGISTRATION)	
NUMBER 020PAW,)	
Defendant.)	

**AFFIDAVIT IN SUPPORT OF MOTION
FOR ENTRY OF DEFAULT**

I, Jennifer H. Zacks, state under oath as follows:

1. I am an Assistant United States Attorney. I represent the plaintiff, the United States of America, in this case. This is an action in rem for forfeiture of the defendant vehicle, described as a 1979 Rolls Royce Silver Wraith II, Vehicle Identification Number LRK 36784, Washington Registration Number 020PAW (the "Defendant Vehicle"). Accordingly, this action is governed by the procedures set forth in the Federal Rules of Civil Procedure and in Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims.

2. As described in the Affidavit of United States Drug Enforcement Administration Special Agent Robert Donovan, filed with the Complaint in this case, the Defendant Vehicle is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a)(4), as it was used or intended to be used to transport, or in any manner to facilitate the transportation, sale,

transportation, sale, receipt, possession, or concealment of controlled substances in violation of the Controlled Substances Act.

3. The Complaint for Forfeiture in Rem was filed on or about May 5, 2005.

4. This Court issued a Warrant and Monition on or about May 6, 2005, directing the United States Marshals Service to give notice to all persons concerned that a Complaint in Rem had been filed, and to arrest and retain the Defendant Vehicle in its custody.

5. Publication of the Complaint and Monition was made in the Boston Herald on May 31, 2005, June 7, 2005, and June 14, 2005. A copy of the process receipt and return for publication, executed by United States Marshals Service, is attached as Exhibit A.

6. Henry L. Smith, the driver of the Defendant Vehicle, was served with a certified copy of the Complaint and Monition, by certified mail on June 2, 2005, at SPN# 02104228, Location #2-D-2, 701 North Jacinto, Houston, Texas 77702. A copy of the receipt and return for service is attached as Exhibit B. Henry L. Smith did not file either a verified claim or answer to the Complaint.

7. Harold V. Dutton, Jr., Esquire, as counsel for Henry L. Smith, was also served with a certified copy of the Complaint and Monition, by certified mail on May 31, 2005, at 1000 The Houston Building, 2323 Caroline, Houston, Texas 77004. A copy of the receipt and return for service is attached as Exhibit C.

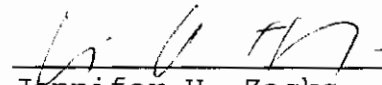
8. Bernard C. Houston, Jr., the registrant of the Defendant Vehicle in Washington, was served with a certified copy of the Complaint and Monition, by certified mail on June 1, 2005, at 3801 47th Avenue SW, Seattle, Washington 98116. A copy of the receipt and return for service is attached as Exhibit D. Bernard C. Houston, Jr. did not file either a verified claim or answer to the Complaint.

9. Under Supplemental Rule (C)(6), any person asserting an interest in the Defendant Vehicle is required to file a claim within thirty (30) days after process has been executed and an answer within twenty (20) days after the filing of the claim.

10. To date, no claims to the Defendant Vehicle or answers to the Complaint have been filed and the time for filing such claims and answers has expired.

11. To the best of my knowledge, and upon information and belief, Henry L. Smith, Bernard C. Houston, Jr., nor anyone else with an interest in the Defendant Vehicle is in the military service of the United States, is an infant, or is incompetent.¹

Signed under the pains and penalties of perjury this 21st
day of July, 2005.



Jennifer H. Zacks
Assistant U.S. Attorney

¹In order to determine Henry L. Smith's and Bernard C. Houston, Jr.'s military status, the United States searched the Department of Defense Manpower Data Center using Henry L. Smith's and Bernard C. Houston, Jr.'s, name and Social Security Number.